Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the above-identified application:

Listing of Claims:

1.   (Previously Presented) A method of accepting prebids in advance of a live auction, said method comprising:

a) providing a prebid web site system to accept prebids, said web site system including a merchandise database of information pertaining to auction lots to be sold in live auctions and a prebid database in which the details of prebids received in respect of said auction lots can be stored;

b) using said web site system to accept prebids in respect of an auction lot by:

i) allowing bidders to transmit prebids from bidder computers to said web site system within a specified time frame, wherein each prebid transmitted includes a maximum prebid amount, and wherein at least one of said prebids is a flexible prebid that includes an opening prebid amount in addition to the maximum prebid amount;

ii) recording said prebids in said prebid database;

iii) upon expiry of said specified time frame accepting no further prebids and selecting the winning prebid; and

iv) submitting said winning prebid from the prebid database to the live auction of said auction lot.

2.   (Original) The method of claim 1 wherein the winning prebid in respect of an auction lot is the prebid with the highest maximum prebid amount.

3. (Original) The method of claim 1 wherein said live auction is a physical auction.

4. (Original) The method of claim 1 wherein said live auction is an online auction.

5. (Original) The method of claim 1 wherein said live auction is a combined physical and online auction.

6. (Original) The method of claim 1 wherein a bidder is only allowed to submit one prebid in respect of each auction lot.

7. (Original) The method of claim 1 wherein a bidder is able to submit more than one prebid in respect of each auction lot.

8. (Previously Presented) The method of claim 4 wherein said prebid web site system is operatively connected to said online auction, and wherein said winning prebid is automatically submitted to said live auction.

9. (Original) The method of claim 3 wherein the submission of said winning prebid comprises manually entering said winning prebid into said physical auction sale.

10. (Original) The method of claim 5 wherein said prebid web site system is operatively connected to said online auction, and wherein said winning prebid is automatically submitted to said live auction.

11. (Cancelled).

12. (Original) The method of claim 1 wherein no two prebids are allowed to have the same maximum prebid amount.

13. (Previously Presented) A web site system for accepting prebids from bidders in advance of live auctions, said web site

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system comprising:

a) a merchandise database containing information pertaining to auction lots to be sold in said live auctions;

b) a prebid database containing prebids placed in respect of auction lots;

c) a prebid control system which will allow placement of prebids in respect of an auction lot in the following steps:

i) within a specified time frame, receiving the details of a prebid including a maximum prebid amount from a bidder computer, wherein at least one prebid submitted by a bidder includes an opening prebid amount in addition to the maximum prebid amount, being a flexible prebid;

ii) recording said prebids in said prebid database; and

iii) upon expiry of said specified time frame accepting no further prebids from bidders, and selecting a winning prebid from those prebids recorded in said prebid database; and iv) submitting said winning prebid to the live auction of said auction lot.

14. (Original) The web site system of claim 13 wherein the winning prebid in respect of an auction lot is the prebid with the highest maximum prebid amount.

15. (Original) The web site system of claim 13 wherein said live auction is a physical auction.

16. (Original) The web site system of claim 13 wherein said live auction is an online auction.

17. (Original) The web site system of claim 13 wherein said live auction is a combined physical and online auction.

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18.   (Previously Presented) The web site system of claim 16 wherein said web site system is operatively connected to said online auction, and wherein the winning prebid will be automatically submitted to said online auction by the prebid control system.

19.   (Previously Presented) The web site system of claim 15 wherein said winning prebid is manually entered into said live auction.

20.   (Original) The web site system of claim 13 wherein a bidder is only able to submit one prebid in respect of an auction lot.

21.   (Original) The web site system of claim 13 wherein a bidder is able to submit more than one prebid in respect of an auction lot.

22.   (Original) The web site system of claim 13 wherein the prebid control system allows a bidder to view information from the merchandise database from their bidder computer.

23.   (Original) The web site system of claim 13 wherein the prebid control system allows a bidder to view information from the prebid database from their bidder computer.

24.   (Cancelled).

25.   (Previously Presented) The web site system of claim 13 wherein the prebid control system controls the type of bids, either flexible prebids or fixed prebids or both, which will be accepted in respect of an auction lot.

26.   (Original) The method of claim 1 further comprising displaying information about prebids already placed in said web site system to bidders in advance of their transmitting a prebid.

27. (Previously Presented) The method of claim 1 wherein said selecting the winning prebid comprises automatically incrementing any flexible prebids within a range defined by the minimum and maximum prebid amounts of said flexible prebids to ascertain the highest prebid to be selected as said winning prebid.

28. (Previously Presented) The web site system of claim 13 wherein said selecting the winning prebid comprises automatically incrementing any flexible prebids within a range defined by the minimum and maximum prebid amounts of said flexible prebids to ascertain the highest prebid to be selected as said winning prebid.

REMARKS

Introduction

A three-month extension of time to respond to the November 14, 2006 Office Action is hereby respectfully requested. The Director is hereby authorized to charge $510.00 in payment of the three-month extension of time fee, and any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075 (order no. 099999.0099). A duplicate copy of this Reply is transmitted herewith.

Claims 11 and 24 have previously been cancelled without prejudice. Claims 1-10, 12-23, and 25-28 are also currently pending in this case.

Claims 1-10, 12-23, and 25-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedland et al. U.S. Patent 6,449,601 (hereinafter "Friedland") in view of Rackson et al. U.S. Patent 6,415,270 (hereinafter "Rackson").

Reconsideration and allowance of this application in light of the following remarks is hereby respectfully requested.

The Rejections Based on 35 U.S.C. § 103

Claims 1-10, 12-23, and 25-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Friedland in view of Rackson. These rejections are respectfully traversed.

Claims 1-10, 12, 26 and 27

As defined by applicants' independent claim 1, a method of accepting prebids in advance of a live auction includes allowing bidders to transmit prebids, wherein at least one prebid transmitted includes "a maximum prebid amount" and "an opening prebid amount in addition to the maximum prebid amount." This flexible prebidding is shown, for example, by step 4(d) of applicants' FIG. 4 and by the sample web page of applicants' FIG. 6, and allows "a bidder to submit an opening prebid (signified by the minimum prebid amount) as well as the highest amount which they are willing to bid (their maximum prebid amount)," on an auction lot such that the system may "automatically increment the flexible prebids within the range defined by their minimum and maximum prebid amounts to effectively conduct an 'auction before the auction' to ascertain the highest prebid which would be submitted to the live auction of the auction lot in question," (applicants' specification, page 44, line 16 through page 45, line 3). Therefore, each bidder may submit one "prebid" with at least two "prebid amounts" (i.e., their minimum prebid amount and their maximum prebid amount).

On page 3, line 16 through page 4, line 1 of the Office Action, the Examiner stated that "Friedland does not explicitly teach wherein each prebid transmitted includes a maximum prebid amount and wherein at least one of [said] prebids is a flexible prebid that includes an opening prebid amount in addition to the maximum prebid amount . . . [But O]n the other hand, Rackson" does describe these limitations when Rackson discloses that "bidders place bids for the maximum price they would pay for a quantity of the items (col. 6, line 44 to col. 7, line 36; col. 22, line 26 to col. 24, line 55; figs. 4-9)." While applicants agree with the Examiner that Friedland does not teach the above-quoted limitations of applicants' claim 1, applicants respectfully disagree with the Examiner's characterization of Rackson.

Nowhere does Rackson show or suggest a website system to "accept prebids in respect of an auction lot," let alone such a system wherein at least one of the prebids "includes an opening prebid amount in addition to the maximum prebid amount," as is required by applicants' independent claim 1. Instead Rackson merely describes a multi-auction service system that allows for a user to bid on multiple ones of a particular type of item being auctioned. "A maximum price 416 may be established if one or more items are desired and the bidder may specify an average price for the quantity desired 420," (Rackson, column 24, lines 16-18). Here, Rackson is describing the ability for a user to define certain rules regarding live bidding on a plurality of items, not "prebids in respect of an auction lot," as required by applicants' claim 1. Moreover, nowhere does Rackson describe accepting a flexible prebid on one particular lot wherein the prebid includes an opening prebid amount and a maximum prebid amount. Instead, Rackson merely describes rules by which an auction system will bid on a plurality of similar auction lots during the course of a live auction.

Therefore, applicants respectfully submit that Friedland and Rackson, either independently or in combination, do not teach or suggest each and every element of applicants' independent claim 1. Thus, Friedland in view of Rackson does not make applicants' independent claim 1 unpatentable. Therefore, for at least the above reasons, applicants' independent claim 1 and any claims dependant therefrom, including claims 2-10, 12, 26, and 27, are allowable over Friedland in view of Rackson. Applicants respectfully request, therefore, that the rejection under 35 U.S.C. § 103(a) of applicants' independent claim 1, and any claims dependent therefrom, including claims 2-10, 12, 26, and 27, be withdrawn.

Claims 13-23, 25, and 28

As defined by applicants' independent claim 13, a web site system for accepting prebids from bidders in advance of live auctions includes a prebid control system for receiving the details of a prebid including a maximum prebid amount from a bidder computer. The system of applicants' independent claim 13 further includes recording the prebids in a prebid database and submitting a winning prebid from the prebid database to the live auction, wherein "at least one prebid submitted by a bidder includes an opening prebid amount in addition to the maximum prebid amount."
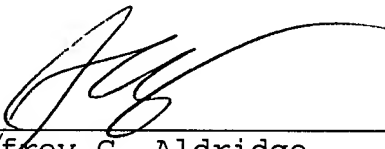
Therefore, for at least the same reasons as described above with respect to applicants' independent claim 1, applicants respectfully submit that Friedland and Rackson, either independently or in combination, do not teach or suggest each and every element of applicants' independent claim 13. Thus, Friedland and Rackson do not make applicants' independent claim 13 unpatentable. Thus, for at least the above reasons, applicants' independent claim 13 and any claims dependant therefrom, including claims 14-23, 25, and 28, are allowable over Friedland in view of Rackson. Applicants respectfully request, therefore, that the rejection under 35 U.S.C. § 103(a) of applicants' independent claim 13, and any claims dependent therefrom, including claims 14-23, 25, and 27, be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-10, 12-23, and 25-28 are allowable. This application is therefore in condition for allowance.

Respectfully submitted,

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PATENTS
LGB/003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants   :   Bob Francis et al.

Application No.:   09/757,722   Confirmation No.: 8367

Filed   :   January 8, 2001

For   :   METHOD OF PREBIDDING IN A COMBINED AUCTION FORMAT

Group Art Unit :   3691

Examiner   :   Thu Thao Havan

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Sir:

        Responsive to the Office Action mailed November 14, 2006, applicants respectfully request that the following amendments to the application be entered by the Examiner:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the above-identified application:

Listing of Claims:

1.   (Previously Presented) A method of accepting prebids in advance of a live auction, said method comprising:

a) providing a prebid web site system to accept prebids, said web site system including a merchandise database of information pertaining to auction lots to be sold in live auctions and a prebid database in which the details of prebids received in respect of said auction lots can be stored;

b) using said web site system to accept prebids in respect of an auction lot by:

i) allowing bidders to transmit prebids from bidder computers to said web site system within a specified time frame, wherein each prebid transmitted includes a maximum prebid amount, and wherein at least one of said prebids is a flexible prebid that includes an opening prebid amount in addition to the maximum prebid amount;

ii) recording said prebids in said prebid database;

iii) upon expiry of said specified time frame accepting no further prebids and selecting the winning prebid; and

iv) submitting said winning prebid from the prebid database to the live auction of said auction lot.

2.   (Original) The method of claim 1 wherein the winning prebid in respect of an auction lot is the prebid with the highest maximum prebid amount.

3.   (Original) The method of claim 1 wherein said live auction is a physical auction.

4.   (Original) The method of claim 1 wherein said live auction is an online auction.

5.   (Original) The method of claim 1 wherein said live auction is a combined physical and online auction.

6.   (Original) The method of claim 1 wherein a bidder is only allowed to submit one prebid in respect of each auction lot.

7.   (Original) The method of claim 1 wherein a bidder is able to submit more than one prebid in respect of each auction lot.

8.   (Previously Presented) The method of claim 4 wherein said prebid web site system is operatively connected to said online auction, and wherein said winning prebid is automatically submitted to said live auction.

9.   (Original) The method of claim 3 wherein the submission of said winning prebid comprises manually entering said winning prebid into said physical auction sale.

10.   (Original) The method of claim 5 wherein said prebid web site system is operatively connected to said online auction, and wherein said winning prebid is automatically submitted to said live auction.

11.   (Cancelled).

12.   (Original) The method of claim 1 wherein no two prebids are allowed to have the same maximum prebid amount.

13.   (Previously Presented) A web site system for accepting prebids from bidders in advance of live auctions, said web site

system comprising:

    a) a merchandise database containing information pertaining to auction lots to be sold in said live auctions;

    b) a prebid database containing prebids placed in respect of auction lots;

    c) a prebid control system which will allow placement of prebids in respect of an auction lot in the following steps:

    i) within a specified time frame, receiving the details of a prebid including a maximum prebid amount from a bidder computer, wherein at least one prebid submitted by a bidder includes an opening prebid amount in addition to the maximum prebid amount, being a flexible prebid;

    ii) recording said prebids in said prebid database; and

    iii) upon expiry of said specified time frame accepting no further prebids from bidders, and selecting a winning prebid from those prebids recorded in said prebid database; and iv) submitting said winning prebid to the live auction of said auction lot.

    14.   (Original) The web site system of claim 13 wherein the winning prebid in respect of an auction lot is the prebid with the highest maximum prebid amount.

    15.   (Original) The web site system of claim 13 wherein said live auction is a physical auction.

    16.   (Original) The web site system of claim 13 wherein said live auction is an online auction.

    17.   (Original) The web site system of claim 13 wherein said live auction is a combined physical and online auction.

18.   (Previously Presented) The web site system of claim 16 wherein said web site system is operatively connected to said online auction, and wherein the winning prebid will be automatically submitted to said online auction by the prebid control system.

19.   (Previously Presented) The web site system of claim 15 wherein said winning prebid is manually entered into said live auction.

20.   (Original) The web site system of claim 13 wherein a bidder is only able to submit one prebid in respect of an auction lot.

21.   (Original) The web site system of claim 13 wherein a bidder is able to submit more than one prebid in respect of an auction lot.

22.   (Original) The web site system of claim 13 wherein the prebid control system allows a bidder to view information from the merchandise database from their bidder computer.

23.   (Original) The web site system of claim 13 wherein the prebid control system allows a bidder to view information from the prebid database from their bidder computer.

24.   (Cancelled).

25.   (Previously Presented) The web site system of claim 13 wherein the prebid control system controls the type of bids, either flexible prebids or fixed prebids or both, which will be accepted in respect of an auction lot.

26.   (Original) The method of claim 1 further comprising displaying information about prebids already placed in said web site system to bidders in advance of their transmitting a prebid.

27. (Previously Presented) The method of claim 1 wherein said selecting the winning prebid comprises automatically incrementing any flexible prebids within a range defined by the minimum and maximum prebid amounts of said flexible prebids to ascertain the highest prebid to be selected as said winning prebid.

28. (Previously Presented) The web site system of claim 13 wherein said selecting the winning prebid comprises automatically incrementing any flexible prebids within a range defined by the minimum and maximum prebid amounts of said flexible prebids to ascertain the highest prebid to be selected as said winning prebid.